

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
v.    ) Criminal No. 04-10051-PBS  
  )  
  )  
JORGE ROSARIO                                )

JOINT STATUS REPORT ON MOTION TO REDUCE SENTENCE

The parties are in receipt of the Court's 2/21/08 Procedural Order. Although the parties have previously provided the Court with a Joint Memorandum Regarding Defendant's Eligibility for Sentencing Modification and Joint Sentencing Recommendation, they are providing this Joint Status Report pursuant to the Court's order and further advise the Court as follows:

A. Eligibility

The parties agree that the defendant is eligible for a sentencing recommendation based on the joint recommendation made and the Court's acceptance of it.

B. Revised Guideline Calculation

The Base Offense Level is now 24 and the Total Offense Level in this case is now 21, pursuant to amended § 2D1.1. At the established Criminal History Category of III, this results in a GSR of 46-57 months. This is a reduction from the GSR of 60-71 months previously applied at the defendant's original sentencing but any sentence remains subject to the 60 month mandatory

minimum sentence that the parties agree is applicable in this case. It also assumes that the government is not pressing its argument arising out of the 11(c)(1)(C) plea in this case.

C. Recommendation

The parties are jointly recommending that the defendants sentence be decreased from 71 to 60 months, that the defendant's period of supervised release be increased from 4 to 5 years, and that the first three months of that supervised release be spent in a halfway house (and that the defendant be required to fully comply with the rules and regulations of that halfway house throughout his residency).

D. Hearing

No hearing is needed based on the joint recommendation.

E. Earliest Release Date

Defendant's present projected release date is 6-6-09. Were his sentence to be reduced from 71 months to 60 months, his revised projected release date would be 7-6-08.

F. Briefing Schedule on Issues.

Based on the joint recommendation, no briefing is needed. The government has already briefed the eligibility issue caused by the 11(c)(1)(C) plea in this case were the joint recommendation not to be accepted by the Court.

G. Transcript

None is required.

H. Plea Agreement

A copy of the plea agreement is attached.

Respectfully submitted,

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